

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579**

IN THE MATTER OF THE CLAIM OF

ROBERTO LUIS ALLEN

Claim No. CU-4002

Order No. CU-36

**Under the International Claims Settlement
Act of 1949, as amended**

ORDER OF DISMISSAL

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in an unspecified amount, was opened by the Commission in behalf of ROBERTO LUIS ALLEN, based upon losses resulting from possible expropriatory acts by the Government of Cuba.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission will receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Commission records disclose that claimant, ROBERTO LUIS ALLEN, authorized James A. Allen to act in his behalf in regard to any claim against the Government of Cuba, and that the said James A. Allen filed a claim in behalf of the members of claimant's family (Claim No. CU-1659) on April 19, 1967.


Accordingly, without prejudice to the right of the claimant to participate in the claim filed by James A. Allen in behalf of the members of the Allen family, including the claimant herein, it is

ORDERED that this claim be and it is hereby, dismissed.

Dated and entered
at Washington, D. C.

APR 24 1968

By Order of the Commission



Francis T. Masterson
Clerk

CU-4002